

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
SPHERE 3D CORP.,

Plaintiff,

23-cv-2954 (PKC)

-against-

SCHEDULING ORDER

GRYPHON DIGITAL MINING,
INC.

Defendant.

-----x

CASTEL, District Judge:

WHEREAS defendant has expressed an intent to move to dismiss the complaint on the basis set forth in pre-motion letter (ECF 39).

WHEREAS plaintiff has amended its complaint, including in response to a prior pre-motion letter of defendant. (ECF 31).

NOW, therefore the following is ORDERED:

1. Defendant may file its motion to dismiss by November 9, 2023. Plaintiff shall respond to the motion by December 8, 2023. Any reply by defendant shall be filed by December 19, 2023.

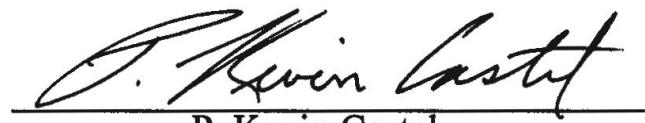
2. Rule 16(b)(3)(A) provides that a Court's "scheduling order must limit the time to . . . amend the pleadings. . . ." Pursuant to that authority, the Court hereby limits the time to amend to move to amend to 21 days from the filing of the motion to dismiss.

3. Discovery is stayed.

-2-

4. The Clerk shall terminate the letter motion. (ECF 39.)

SO ORDERED.



P. Kevin Castel
P. Kevin Castel
United States District Judge

Dated: New York, New York
October 27, 2023